

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
\_\_\_\_\_  
ROBERT L. HOGAN, JR.,

Petitioner,

v.

9:02-CV-1039  
(LEK)(RFT)

NEW YORK STATE; ELIOT SPITZER,

\_\_\_\_\_  
Respondents.

APPEARANCES:

\_\_\_\_\_  
OF COUNSEL:

ROBERT L. HOGAN, JR.  
Petitioner, *pro se*  
P.O. Box 393  
Selkirk, New York 12158

HON. ELIOT SPITZER  
Attorney General of the State of New York  
Attorney for Respondents  
Department of Law  
The Capitol  
Albany, NY 12224

RISA L. VIGLUCCI, Esq.  
Assistant Attorney General

RANDOLPH F. TREECE, MAGISTRATE JUDGE

### ORDER

By Order of District Judge Lawrence E. Kahn, filed February 16, 2005, the Report-Recommendation issued by this Court was approved and adopted in its entirety and Petitioner's Petition for *Habeas Corpus* relief was denied and dismissed. Dkt. No. 11. Petitioner has appealed that decision to the United States Court of Appeals for the Second Circuit. Dkt. No. 13.

Presently before the Court is Petitioner's request to proceed *in forma pauperis* during the appeal of his case. Dkt. No. 14. Based upon the Court's review of the financial information provided by Petitioner in his request, the Court finds that Petitioner may proceed with his appeal of this matter *in forma pauperis*.

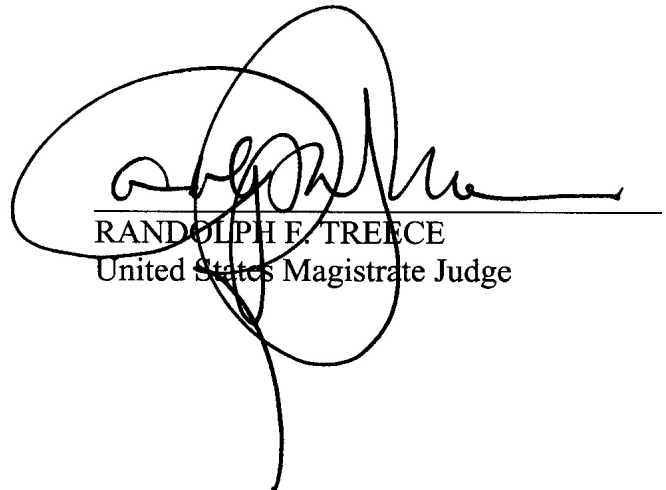
WHEREFORE, it is hereby

ORDERED, that Petitioner's request to proceed with the appeal of this matter *in forma pauperis* (Dkt. No. 14) is granted; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

Date: April 20, 2005  
Albany, New York



RANDOLPH F. TREECE  
United States Magistrate Judge